DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 16th November 1940.

No. 520-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 39 of the said Rules:—

(*a*) for sub-rule (2), the following sub-rule shall be substituted, namely:—

(2) "Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule."

(*b*) sub-rule (3) shall be omitted.

A. deC. Williams,
Secretary to the Government of India.

No. P. 3042—Legis. 2-40-45, dated Bangalore, the 12th December 1940.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely:—

1. This Order may be called the Cargoes and Claims (Information) Order, 1940.

2. In this Order:—

(*a*) The expression "enemy" has the same meaning as in Part XV of the Defence of India Rules, as applied to Mysore.

(*b*) The expression "ship to which this order relates" means a ship owned or controlled by any person who is an enemy.

3. Any person who at the date of this order carries on any undertaking by way of any trade or business and—

(*a*) owns or has any legal or beneficial interest in any cargo lying in a ship to which this Order relates (other than a ship owned or controlled by a person who was an enemy prior to the 9th day of April 1940), or in any cargo which having been landed from such a ship, is in the possession or control of the owner, charterer or master of any such ship; or

(*b*) has or claims to have any cause of action whether in respect of any such cargo or otherwise against any such ship or against the owner, charterer or master thereof,

shall within one month of that date send to the Secretary to the Government of India, Department of Commerce New Delhi, three signed copies of a return in writing specifying so far as is practicable the following particulars as at that date, that is to say:—

(i) the nature, quantity and value of any such cargo, stating where, and in what ship it is lying or, if not on board ship, where, and in whose possession or control it is;

(ii) the nature of any document in his possession or control evidencing his ownership of any interest in any such cargo;

(iii) the date and amount of any payments made by him in respect of freight charges on any such cargo, stating to whom such payments were made;

(iv) the port of loading and the port of destination of any such cargo; and

(v) the nature and extent of the cause of action that is claimed to exist in respect of any such cargo or otherwise against any ship to which this Order relates, or against the owner, charterer or master thereof.

No. T. 1671—*R. T.* 12-40-12, *dated Bangalore, the* 13*th December* 1940.

The following draft of amendments which Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to Mysore Motor Vehicles Rules, 1924 issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924 as amended from time to time and rules regarding public service motor vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft received on or before the 5th January 1941 will be considered by Government:—

Draft Amendments.

For sub-rule (iii) of Rule 16 of the aforesaid Mysore Motor Vehicles Rules, 1924, as amended from time to time substitute the following:—

"(iii) The fee payable for the grant of a driving license shall be rupees five.

The fee for the renewal of a driving license shall be rupees three only if it is presented for renewal previous to and not more than 15 days subsequent to the date on which the license is due to expire and shall be five rupees in any other case, unless the licensing authority is satisfied that the holder was prevented by good cause from presenting the license for renewal within 15 days after its expiry".

For Rule 41 (ii) (*c*) of the rules regarding public service motor vehicles as amended from time to time substitute the following :—

"41 (ii) (*c*) The written authority, *viz.*, the conductor's Pass referred to in sub-rule (ii) of Rule 41 shall be renewed every year.

The fee payable in respect of the renewal of the conductor's Pass shall be four annas if it is presented for renewal previous to, or not more than 15 days subsequent to the date on which the Pass is due to expire and shall be eight annas in any other case, unless the licensing authority is satisfied that the holder was prevented by good cause from applying for the renewal of the Pass within fifteen days after its expiry."

No. Rl. 1708—*R. A.* 19-40-4, *dated Bangalore, the* 16*th December* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Representative Assembly Rules, 1940, *viz.*—

In column 3 of part I of the second schedule the words "Deputy Amildar, Sringeri Jahgir Sub-Taluk" shall be substituted for "Assistant Commissioner in charge of Sringeri Jahgir," against the word "Sringeri".

No. Rl. 1730—*L. C.* 7-40-2, *dated Bangalore, the* 17*th December* 1940.

The Government of His Highness the Maharaja are pleased to direct, under the provisions of Rule 59 (*i*) of the Legislative Council Rules, 1940, that the electoral roll of the constituency noted below shall be re-published by the Registration Officer concerned with amendments, if any, on the 23rd December 1940, in the manner noted against it, in addition to the places noted in Notification No. Rl. 915—L. C. 7-40-18, dated 13th November 1940 :—

European and Indian Planting Constituencies.—So much of the roll as relates to each taluk, at the Taluk Office.

No. Rl. 1735—R. A. 24-40-3, dated Bangalore, the 17th December 1940.

The Government of His Highness the Maharaja are pleased to direct that under the provisions of Rule 79 (1) of the Representative Assembly Rules, 1940, the electoral rolls of the constituencies noted below shall be re-published by the Registration Officer concerned with amendments, if any, on the 23rd of December 1940, and in the manner noted against each (in addition to the places mentioned in Notification No. Rl. 898—R. A. 24-40-1, dated 13th November 1940) :—

1. *European and Indian Planting Constituencies.*—So much of the roll as relates to each taluk, at the Taluk Office.

2. *Women's Constituency.*—So much of the roll as relates to each City Municipality at the Municipal Office.

No. Rl. 1684—R. A. 42-40-2, Dated Bangalore, the 16th December 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Representative Assembly Rules, 1940 :—

1. Rule 102 shall be deleted.

2. Provisos (*a*) and (*b*) of Rule 146 shall be deleted.

3. The following shall be inserted as Part V-A after Part V of Chapter VII.

PART V-A.—SPECIAL RULES FOR CONSTITUENCIES IN WHICH SEATS ARE RESERVED FOR MEMBERS OF THE DEPRESSED CLASSES :—

Special rules for constituencies in which seats are reserved for members of the Depressed Classes.

151-A. In the case of elections in constituencies in which a seat is reserved for members of the Depressed Classes, rules 100, 101, 115, 116, 124, 125, 141, 142 shall, in so far as they are inconsistent with any of the following rules, not be applicable and the following rules shall be deemed to be substituted therefor and shall apply accordingly.

Publication of lists of candidates.

151-B. The Returning Officer, or the person authorised under rule 89 shall prepare separate lists in Form IV showing the names of candidates —

(*a*) for the reserved seat, and

(*b*) for the non-reserved seats in the manner specified in Rule 100.

Procedure after the publication of lists of candidates.

151-C. If the number of candidates standing for election to the reserved seat or to the non-reserved seats, respectively—

(*a*) is equal to the number of the reserved seat or the non-reserved seats, as the case may be, all such candidates shall be declared by the Returning Officer to be duly elected; or

(*b*) is less than the number of the reserved seat or the non-reserved seats, as the case may be, the procedure prescribed in sub-rule (2) of rule 101 shall apply; or

(*c*) is more than the number of the reserved seat or the non-reserved seats, as the case may be, the Returning Officer shall forthwith publish in the Gazette and in such other manner as the Government may direct, the names of the candidates for the reserved seat or the non-reserved seats, as the case may be, as given in the notices of candidature in alphabetical order with the symbol, if any, assigned to each candidate, and a poll shall be taken.

Form of ballot papers.

151-D. The ballot paper for the non-reserved seats shall be in Form V (*a*) and for the reserved seat in Forms V (*b*) and V (*c*). Each of the forms shall be serially numbered separately, the serial number being printed on the counterfoil and on the back of the ballot paper.

Number of votes to be recorded by each elector.

151-E. (1) In respect of the non-reserved seats, if more than one non-reserved seat has to be filled, an elector shall have as many votes as there are non-reserved seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

(2) In respect of the reserved seat an elector shall have one vote only.

Issue of ballot papers.

151-F. (1) In the case of an election to a non-reserved seat or seats, an elector, whether a member of the Depressed Classes or not, shall be given a ballot paper in Form V (*a*).

(2) In the case of an election for a reserved seat, an elector who is a member of the Depressed Classes shall be given a ballot paper in Form V (*b*), and an elector who is not a member of the Depressed Classes shall be given a ballot paper in form V (*c*).

Procedure on closing of poll.

151-G. The Presiding Officer of each Polling Station, as soon as practicable after the close of the poll shall, in the presence of any candidates who may be present make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals—

(i) each ballot box in use at such Station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers;

(iv) the marked copy of the electoral roll;

(v) the counterfoils of the ballot papers:

Provided that the ballot papers referred to in sub-clauses (ii) and (iii) and the counterfoils of the ballot papers referred to in sub-clause (v) shall be made up into separate packets of Form V (*a*), Form V (*b*) and Form V (*c*).

Statement by Presiding Officer.

151-H. The box shall be accompanied by a statement in a separate cover in Form VII (*a*) made by the Presiding Officer showing the number of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) entrusted to him and accounting for them under the heads of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) in the ballot boxes, unused and spoilt ballot papers in Form V (*a*), Form V (*b*) and Form (*c*) and ballot papers, dealt with under rule 123.

Procedure at counting.

151-I. The ballot box or boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 123, as the case may be, shall be opened one after another and the Returning Officer shall take out the ballot papers therefrom, separate them into bundles of Forms V (*a*), V (*b*) and V (*c*), count each bundle or cause them to be so counted and record the numbers thereof in a statement. Such statement shall not be shown to any candidate or agent.

Distribution of ballot papers for counting.

151-J. The Returning Officer shall then distribute the bundles of Forms V (*b*) and V (*c*) to the persons appointed to assist in the counting of votes, and cause the votes recorded on the two forms of ballot paper to be counted separately.

Declaration of result for the reserved seat.

151-K. When the counting of votes has been completed, the Returning Officer shall proceed as follows:—

(*a*) if two candidates have stood for election to the reserved seat, the candidate to whom not less then sixty per cent of the valid votes recorded on the ballot papers in Form V (*b*) is given shall be declared by the Returning Officer to be elected to the reserved seat:

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in Form V (*c*);

(*b*) if either of the two candidates fails to obtain the percentage of votes recorded on ballot paper in Form V (*b*) mentioned in the above sub-rule, the candidate to whom the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined is given shall be declared by the Returning Officer to be elected for the reserved seat;

(*c*) If three or more candidates have stood for election, the candidate to whom is given not less than forty per cent of the valid votes recorded on ballot paper in Form V (*b*) shall be declared by the Returning Officer to be elected to the reserved seat:

Provided that such candidate has obtained not less than five per cent of the valid votes recorded on ballot paper in Form V (*c*)

(*d*) Where an equality of valid votes recorded on ballot paper in Form V (*b*) is found to exist between any two candidates, then any candidate who has obtained the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat;

(*e*) If none of the candidates has obtained forty per cent of the valid votes recorded on ballot papers in Form V (*b*), the candidate who gets the largest number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat:

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot paper in Form V (*b*) ;

(*f*) For the purposes of this rule, fractions of less than half shall not be taken into account and fractions of more than half shall be counted as one.

Counting of ballot papers for the non-reserved seats.

151-L. The Returning Officer shall next distribute the bundle of ballot papers in Form V (*a*) to the persons appointed to assist in the counting of votes and cause the votes to be counted.

Declaration of results for the non-reserved seats.

151-M. After the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given to be elected to the non-reserved seat or seats.

Return of the result of election.

151-N. The Returning Officer shall, after the completion of the procedure for the verification of statement specified in rule 149, prepare and certify two returns in Form XIII, one for the seat reserved for members of the Depressed Classes and another for the non-reserved seat or seats, in the manner specified in rule 151, and shall forward copies of the returns to the Government as soon as possible after reporting the result of the election as required by rule 148.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.